

REMARKS

Claims 1-26 are pending in the application.

Claims 1-26 have been rejected.

Claims 1-4, 7, 11, 17, 20 and 22-25 have been amended, as set forth herein.

Claims 12-16 have been canceled, without prejudice.

I. **OBJECTION TO SPECIFICATION**

Applicant's prior response amended page 5 of the specification to delete the references to an embedded hyperlink.

II. **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-26 were rejected under 35 U.S.C. § 102(a) as being anticipated by Peng (US Patent Application Publication No. 2003/0145091). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent Claims 1, 17, 20 and 23 have been amended to recite, inter alia, (1) processing a call initiation request for a call from a mobile station, (2) identifying the call as a packet data call for specific packet-based applications; and (3) a combined setup request message operable for initiating call setup and radio link setup. In contrast, Peng does not appear to disclose that a call is identified as a packet data call for specific packet-based applications (e.g., VoIP, push-to-talk, push-to-media, instant messaging), and does not disclose a combined setup request message operable for initiating both call setup and radio link setup.

Based on the foregoing, Peng fails to identify each and every element recited in Applicant's independent claims. Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(a) rejection of Claims 1-26 (Claims 12-16 have been canceled, without prejudice).

III. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at rmccutcheon@munckcarter.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, LLP

Date: 2/11/2010


Robert D. McCutcheon
Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: rmccutcheon@munckcarter.com